

Stating that the appellant did not get the information from the PIO / 1st Appellate Authority even after 30 days of filing his 1st appeal, he preferred this 2nd appeal before this Commission requesting to take action against the PIO and 1st Appellate Authority for not furnishing information sought by him and also to arrange to furnish the information sought by him u/s 19(3) of the RTI Act, 2005.

In view of the above, the 2nd appeal may be taken on file and Notices issued to both the parties for hearing on 01-07-2021 at 11.00 A.M.

In view of the Covid -19 Pandemic, the cases are heard over phone on 01-07-2021 with prior intimation to the concerned parties. The appellant responded and stated that the PIO has not furnished the information. The PIO / Sri. Suman Kumar, Deputy Tahsildar, Jaipur Mandal, Mancherial District responded and stated that a reply was given to the appellant vide letter No: B/13/2020 dated: 06-07-2020 that the information sought is not available hence the same could not be furnished.

Heard both the parties and perused the material paper available on record and observed that the appellant through his 6(1) application dated: 27-02-2020 is seeking information on 3 points. The Commission cannot accept the reply given by the PIO that the concerned file is not traceable.

Informing that the file is not available does not absolve the PIO / Deputy Tahsildar, Jaipur Mandal, Mancherial District for his responsibility in furnishing information. The PIO should either trace out the files or rebuild the records, it is the responsibility of the Public Authority for disappearance of the file relating to lands which are normally permanent records.

The Public Authority should ensure the existing department instructions regarding handing over and taking over files of the office to the incoming officers while signing CTC. Thus the Public Information Officer should possess the list of permanent records / files handed over to him during the taking over charge of the office.

In the instant case the appellant is seeking information on 3 points in the revenue records and the Revenue Officials cannot escape from their obligations by saying that the records are not traceable.

The revenue records are important documents and they are supposed to be retained over longer periods. Keeping in mind the interest of the people, they are also supposed to properly index and take utmost care for their retention. In case of destruction of the records, the Public Information Officer should be able to furnish particulars of destruction i.e. year of destruction with proof. The Public Information Officer should also indicate the retention period of the above referred permanent files.

The reply given by the Public Information Officer in the instant case goes to show gross negligence on the part of Revenue Officials and therefore it is desirable, that The Collector & the DRO who are the officers responsible for implementing RTI in the district also should ensure that records are well maintained and also to fix responsibility for missing records.

The District Revenue Officer, Mancherial District is directed to fix the responsibility and take action against the concerned Officers for causing disappearance of the records under the Civil Services (Conduct & Classification) Appeals Rules for the missing files.

The Commission took a serious view and directs to issue **Show Cause Notice** to the Present PIO and the then PIO / Deputy Tahsildar, Jaipur Mandal, Mancherial District for the reply dated: 06-07-2020. The action on the **Show Cause Notice** will be dealt separately.

The Commission directs the PIO to arrange for verification of records on a mutually convenient date and time by issuing prior intimation to the appellant to enable him to inspect the records and furnish the required information duly keeping in view the Sections 8, 9, 10 & 11 of RTI Act 2005 within One (1) Week from the date of receipt of this order and to report compliance to the Commission.

With the above direction, the appeal is closed.

SYED KHALEELULLAH
STATE INFORMATION COMMISSIONER

Authenticated by:

Section Officer
Copy to: SO / SF / OC